

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:18-00121

JERMAINE JONES

MEMORANDUM OPINION AND ORDER

In Bluefield, on November 15, 2022, came the defendant, Jermaine Jones, in person and by counsel, E. Ward Morgan; came the United States by Timothy D. Boggess, Assistant United States Attorney; and came United States Probation Officer Dylan Shaffer, for a hearing on the petition to revoke the defendant's term of supervised release.

The court informed the defendant of the alleged violations contained in the petition to revoke the term of supervised release, filed on September 15, 2022. The court advised the defendant that, pursuant to Rule 32.1(b) of the Federal Rules of Criminal Procedure, he has the right to a hearing and assistance of counsel before his term of supervised release could be revoked. Whereupon the defendant admitted the conduct as alleged in the petition. Accordingly, based on defendant's admissions, the court found the charges were established by a preponderance of the evidence.

Having heard arguments of counsel, the court found that the Guideline imprisonment range for the revocation of supervised release upon such grounds was 24 to 30 months. The court further

found that the Guideline ranges issued by the Sentencing Commission with respect to revocation of probation and supervised release are policy statements only and are not binding on the court. Thus, the court stated that the relevant statutory provision is 18 U.S.C. § 3583(e)(3), which provides a maximum term of imprisonment of two years. Neither party objected to the Guideline range and statutory penalty as determined by the court.

Defendant pled guilty to a one-count information in 1:22cr200. Counsel has requested that defendant be sentenced in both cases on the same day. Accordingly, at defendant's request, the court **CONTINUED** this hearing until March 6, 2023, at 11:30 a.m., in Bluefield.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record, the United States Marshal for the Southern District of West Virginia, and the Probation Department of this court.

IT IS SO ORDERED this 21st day of November, 2022.

ENTER:

David A. Faber

David A. Faber
Senior United States District Judge